

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Semen Petrashov,

Case No. 15-cv-3061 (WMW/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AS MODIFIED**

Alina Health Headquarters,

Defendants.

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This matter is before the Court on the June 14, 2016 Report and Recommendation (R&R) of United States Magistrate Judge Steven E. Rau. (Dkt. 37.) Magistrate Judge Rau recommended that this Court dismiss this case for lack of subject-matter jurisdiction, and, in the alternative, for failure to timely serve Defendant. No objections to the R&R have been filed in the time period permitted.<sup>1</sup>

The Court agrees with Magistrate Judge Rau's conclusion that it lacks subject-matter jurisdiction over the case and thus must dismiss it without prejudice. Therefore, the Court need not consider whether Plaintiff failed to timely serve Defendant.

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<sup>1</sup> Oleg Petrashov, who appears to be the Plaintiff's son, filed a letter on June 20, 2016, six days after Magistrate Judge Rau issued the R&R. But Oleg Petrashov has not entered an appearance on Plaintiff's behalf and nothing in the record suggests he is a licensed attorney. Therefore, he is without authority to speak on Plaintiff's behalf in this case. *See* 28 U.S.C. § 1654 (stating that parties may pursue cases on their own behalf or through counsel); *Jones ex rel. Jones v. Corr. Med. Servs., Inc.*, 401 F.3d 950, 952 (8th Cir. 2005) ("[A] . . . non-attorney may not engage in the practice of law on behalf of others.").

Based on the Report and Recommendation of the magistrate judge and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The magistrate judge's June 14, 2016 Report and Recommendation, (Dkt. 37), is **ADOPTED** only to the extent the R&R recommends dismissing the case for lack of subject-matter jurisdiction;

2. Plaintiff's Complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 11, 2016

s/Wilhelmina M. Wright

Wilhelmina M. Wright

United States District Judge